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LODGE ROASTS

STANDARD OIL

Holds Entire Industry by Throat, He Says

STILL ON RATE BILL

Question as to What Should Be Included in Pipe Line Amendment Provokes General Debate—Rockefeller Company Pictured in Its True Light and Color.

(By the Associated Press.)
Washington, May 17.—In the absence of Vice President Fairbanks Senator Frye, as president pro tempore occupied the chair. The change was generally noticed as this is the first time the vice president has been absent from his seat.

When the senate met at 11 o'clock it promptly entered upon the consideration of the rate bill as reported by the committee of the whole.

Beginning with the first amendment Senator Beveridge moved to strike out the words "excepting gas lines, natural and artificial" from the operation of the provision making pipelines common carriers. The suggestion was sharply antagonized by Senator Foraker who charged that the change is desired to "tweak the whiskers of somebody who wants to influence legislation."

He again told of the efforts of the people of Cincinnati to secure gas for themselves from the West Virginia fields, saying that \$5,000,000 had been expended and they did not want to be forced to carry gas for everybody but themselves.

Senator Lodge, author of the amendment admitted that he cared very little about the gas feature of the provision. "My object," he said, "is to bring the pipe lines of the Standard Oil Company under the jurisdiction of the Interstate-commerce commission. I don't see why that corporation is exempted from the operations of the law; there is no reason why it should escape. As matters now stand it holds the entire oil industry by the throat, and I think it should be supervised and regulated. If nothing is wrong the company will not suffer."

Senator Beveridge contended that the provision should apply to gas as well as oil. Senators Scott, Gallinger and Nelson opposed the change.

After further debate Mr. Beveridge withdrew his amendment in order to permit Senator Tallaferro to present a provision excluding only natural gas for municipal purposes.

DEAD POLICEMAN IS VINDICATED.

(By the Associated Press.)
Chicago, May 17.—Vindication has come to the memory of Policeman Oscar Benson, who charged last August with being a thief by Mathias Mamer, shot and killed his accuser and then committed suicide. Mamer who owned a jewelry repair shop, accused Benson of stealing three watches from his store.

Yesterday James Hanratty confessed to the police that he stole the three time pieces.

FULL MAIL BAG FOUND CUT.

(Special to The Evening Times.)
Lexington, N. C., May 17.—Yesterday afternoon a strange find was made at the depot at this place. Far back under the building a mail bag full of mail matter was discovered, containing mail that ought to have left Lexington on the 8th of last December. The bag had been cut, evidently for the purpose of robbery. It is not known what was taken from the bag, but enough remained to show that there was the usual valuable holiday mail. Numerous letters contained checks. The colored mail carrier is held responsible, but has given no explanation of the affair that has been heard as yet.

SUMMER WEATHER IN CHICAGO—ONE VICTIM.

(By the Associated Press.)
Chicago, May 17.—Midsummer weather came to Chicago prematurely yesterday with the result that one man was overcome by the heat.

All records for uncomfortable May weather were broken when the thermometer registered 88 degrees at 3 o'clock in the afternoon. This was more than thirty degrees above the normal temperature for May 16.

The mean temperature of 79 degrees for the day was remarkable as against the normal mean of 55 degrees for this time of the year.

PORTUGUESE OR NEGRO

Noted School Case from Buncombe Argued

Supreme Court Asked to Order a Re-hearing Because of Newly Discovered Evidence—Jury Held That Gillilands Were White in First Trial.

One of the most remarkable of the appeals from the fifteenth district just argued in the supreme court was Gillilands vs. County Board of Education, from Buncombe county, involving the question of whether or not there was negro blood in the family of the plaintiff that would debar the children from attending the white public schools of the county.

The board had made an order that the Gillilands children be not allowed to attend the white schools and the plaintiff instituted the suit to compel admittance of his children on the plea that their dark complexion was due to Portuguese ancestry and not to the negro taint. The jury decided in favor of the plaintiff and that the Gillilands had Portuguese and not negro blood. The case came to the supreme court on petition for a rehearing on the ground of newly discovered evidence which would show negro ancestry.

The counsel in the case were: Hon. Locke Craig and J. B. Anderson for the plaintiff and Tucker and Murphy for the defendant.

For Gulfport Harbor.

(By the Associated Press.)
Gulfport, Miss., May 17.—The Mississippi Press Association, in annual session here, adopted a resolution memorializing congress to appropriate money for the development and maintenance of Gulfport harbor and requesting senators and representatives of this state in congress to use every means in their power to secure the passage of the bill.

MRS. DAVIS SUFFERS A SERIOUS RELAPSE

(By the Associated Press.)
New York, May 17.—Mrs. Jefferson Davis, wife of the president of the southern confederacy, who is ill at the Hotel Gerard, has suffered a relapse, and early today her condition was said to be serious. During the morning hours resort was had to the use of oxygen.

Mrs. Davis, who is advanced in years, has been failing recently, and about two weeks ago experienced an attack of grip, which for a time greatly alarmed her friends. Later, however, she showed marked improvement, and recently was declared to be out of danger.

Last night there was a decided change for the worse, and Dr. Wylie, who was hastily summoned, remained for several hours with the patient. At his direction the patient's respiration was aided by artificial means. Her daughter, Mrs. J. Addison Hayes, and her grandchildren, Jefferson Hayes Davis, a student at Princeton University, and his sister, are almost constantly at her bedside.

Mrs. Davis celebrated her eightieth birthday on Monday two weeks ago. On that day she went for a drive and contracted a cold.

There was a slight improvement in the condition of Mrs. Davis during the forenoon today.

Dr. Robert H. Wylie, who is attending Mrs. Davis, said today that she is now suffering from pneumonia. After a sinking spell early today she revived and spent several hours, but owing to her advanced age hopes of her recovery are faint. Mrs. J. Addison Hayes, her daughter said today that her mother was more comfortable yesterday, but was not out of danger.

THE AVENGER FINDS ANOTHER OFFICER

(By the Associated Press.)
Tamboff, Russia, May 17.—Semenko, a police officer, who participated in the brutal maltreatment of Maria Spiridonova, was shot and killed on the streets here today by an unknown person. The avengers of the young revolutionist recently meted out the same fate at Borisoglebsk to Abramoff, the Cossack officer, who boasted of his cruelty to her while she was in prison.

Maria Spiridonova, the young daughter of a Russian general, shot and killed Chief of Police Luzhennoffsky of Tamboff. She was condemned to be hanged, but her sentence was commuted to twenty years imprisonment. The girl was terribly treated in prison immediately after committing the crime by Abramoff and another Cossack officer.

MORMON CHURCH

IS SELLING OUT

Traction Holdings Go to a Big Syndicate

BUSINESS REVOLUTION

Persident Smith Says Divorce of Religion From Business Is Made Because Mormons No Longer Need Protection of Church in Business Affairs.

(By the Associated Press.)
Salt Lake City, Utah, May 17.—The Mormon Church is going out of business, according to a local morning paper. Its principal holding in Salt Lake, the Utah Light and Railway Company, is to be taken over by a \$25,000,000 corporation composed of English and American capitalists. The new company will also acquire the Ogden street railway and build an electric line from Junh county, Utah, to Oneda county, Idaho. It will be known as the Inter-Mountain consolidated Railroad Company, and will be incorporated both in Utah and Idaho. The board of directors will include H. H. Vreeland, New York City; Baron D'Almeida, Paris; Sir Thomas Jackson, London; William G. Rathbone, Manchester, Eng.; Alexander McKenzie, Ottawa, Canada; Henry Dupont, Paris; Beresford Howe, London, and a number of Utah men, among them Governor John C. Cutler. The enterprise will be financed through the Inter-Mountain Trust Company, incorporated in Utah and Idaho a few days ago.

Simultaneously the announcement is made that the Salt Lake & Los Angeles railroad, another church property, has been sold to a bond syndicate for \$500,000. This road is thirteen miles in length, and runs from the city to the mountains. President Joseph F. Smith of the Mormon church is quoted as saying that the divorce of religion from business is made on account of the fact that the Mormons whom the church sought to protect years ago no longer need the protection of the church in business affairs. The church entered business to assist converts and strugglers belonging to the church, but as they are now on a firm footing the church withdraws from business entirely.

If this policy is completely carried out the sale of the traction interests will be followed by the sale of stocks in banks, sugar factories, the great Z. C. M. L. department store and many smaller enterprises. It will be nothing less than a commercial revolution which will profoundly affect the political and social life of the state.

WILL WE BE REPRESENTED AT HAARON'S CROWNING?

(By the Associated Press.)
Washington, May 17.—The state department is confronted with the question as to whether or not it will be obliged to name a special representative of the government and people of the United States to attend the approaching coronation of Haakon as king of Norway. In the ordinary course, the American minister to Norway would be charged under a special commission to undertake this representation, but as for there is no such official. Provision is made in the pending diplomatic and consular appropriation bill for the creation of a ministry and legation at Christiania, and it has been formally announced that as soon as the office is created Mr. H. H. D. Pierce, at present third assistant secretary of state, will be nominated for the post. But the date for the ceremony is near at hand, and it is doubtful whether or not this enactment and the necessary confirmation of the nomination can be had before the middle of June, which would be too late. Therefore the department has been canvassing some names, and it is understood that a special appointment as minister for this occasion has been tendered to one person tentatively.

Clarence Poe's Lecture.

(Special to The Evening Times.)
Durham, N. C., May 17.—There has not been a more appreciative audience at Trinity College in many a day than that which greeted Mr. Clarence Poe of Raleigh, editor of the Progressive Farmer, last night. Mr. Poe spoke in the Y. M. C. A. hall at the invitation of the association. His subject was "The Young Man and Journalism," and he handled it in a masterful manner. His address abounded in sane, practical, vigorous statements, delivered in a way that was especially impressive.

ONE BISHOP ON FIRST BALLOT.

(By the Associated Press.)
Birmingham, Ala., May 17.—Dr. John J. Tigert, secretary of the general conference of the Methodist Episcopal Church, South, was today elected a bishop on the first ballot taken by the conference. No other bishop was elected on the first ballot.

PUBLIC OPINION

MUCH EXCITED

As to How Emperor Will Meet Defiance

FIERCE FIGHT FEARED

Many Constitutional Democrats Not Yet Convinced Government Will Seek Compromise—Possibility of Attempt to Disperse Parliament—Rumor That Witte Is Planning a Coup d'Etat.

(By the Associated Press.)
St. Petersburg, May 17.—Public opinion is greatly excited as to how the emperor and the government will meet the defiant attitude of the lower house of parliament. Many constitutional democrats are not yet convinced that the government will seek a compromise. They see indications that the bureaucracy is preparing for a desperate fight. The Reich, their organ, still considers it possible that an attempt may be made to disperse parliament, and also prints a rumor that Count Witte is trying to bring about a coup d'etat which would result in his appointment as dictator, backed by the council of the empire.

The Novoye Vremya thinks the constitutional democrats are going mad, and are playing into the hands of the social democrats. "The constitutional democrats," the paper says, "are digging their own grave in paving the way to a dictatorship of the proletariat."

As a matter of fact the constitutional democrats are unable any longer to hold the extreme radicals in parliament, who are breaking away and forming about the social democratic workmen group, establishing a distinct party of extreme left, which wants not parliamentarism but a revolution. Some of the Polish delegates are flirting with this group on the basis of complete autonomy for Poland. In other words, the situation in both parliament and the government is growing more complicated and more chaotic, and the greatest anxiety prevails as to what the immediate future may bring forth.

SENATOR BAILEY RUBS IT IN

(By the Associated Press.)
Washington, May 17.—Senator Bailey in the senate today revived the scene of yesterday by having read a letter he had written the president concerning him. It and replied from Chandler, including a copy of Chandler's diary, giving a history of his movements on the day when a certain memorandum was sent to the president.

Senator Bailey quoted from the New York Tribune and charged the paper in its Washington correspondence with "modifying its lies." He referred to the report that the memorandum was circulated among democratic senators. This he denied, but he charged that the president yesterday showed the memorandum to a republican senator and to a republican member of the house. He said that the Chandler memorandum impugned no bad faith to him, nor even to the railroad senators.

Senator Bailey declared that the president did not doubt his (Bailey's) good faith, because three days after the memorandum the president through Chandler asked him to confer with the attorney general on the subject.

Mr. Bailey took up the reply of the Chicago Tribune correspondent to his denunciation yesterday, and said that it did not meet the situation. He quoted from it, and intimated that the assertions the correspondent made were based on information obtained from the president or some one near him. Mr. Bailey said that he had been charged with being impetuous, rash and dictatorial, but no one had or could charge him with double dealing. When such a charge was made he would brand across the forehead of the man making the charge the word "liar," in order "that he might be known and shunned of all men."

Big Salvage Allowed.

Norfolk, Va., May 17.—Federal Judge Waddill has handed down a decision in the libel suit of Hudson Bros., salvors, against the five masted schooner Fannie Palmer, so long ashore on this coast, by which the libellants are awarded \$32,461. After this and the court expenses incident to the libel proceedings are deducted from the selling price of \$41,500 there will be only \$7,840 remaining to go to William F. Palmer, the Boston owner of the schooner.

THE EARTHQUAKE

WAS A FACTOR

In Determining Question of Canal Type

WHAT THE REPORT SAYS

That the Isthmus of Panama Is Not Exempt From Earthquakes Conclusively Appears—Canal Structures That Would Be Most Exposed Are the Locks Proposed.

(By the Associated Press.)
Washington, May 17.—That the earthquake which destroyed San Francisco was an important factor in determining the vote of the senate committee on interoceanic canals in favor of a sea level type is apparent from the fact that a feature of the majority report is a discussion of the effect such an earth wave might have on locks and dams. The majority report in favor of a sea level canal was submitted today by Senator Kittredge. On the subject of danger from earthquakes on the isthmus and the possible effect on the two types of canal proposed, the report says:

"The recent calamity that overwhelmed one of our great cities has caused many forebodings. The assertion that any particular spot in the tropics is exempt from all danger from such convulsions of nature as recently visited California, or wrought great havoc near Charleston, S. C., in 1886, or changed the face of nature in southeastern Missouri near the beginning of this century, would not be hazarded by any wise man. That the Isthmus of Panama is not exempt conclusively appears, and we can have no guaranty that the canal zone will in the future be exempt from such disaster.

"The canal structures that would be most exposed to injury by the passing of an earth wave or violent movement of the earth surface are the locks proposed by the minority, whose walls many hundreds of feet, or even two or three thousand feet long at abutment would, at least some of them, be more than 15 feet high and entirely unsupported on one side save for a part of the height by water. If these walls should be moved at all, the natural and probable result would be in their leaning, and so prevent the closing of the gates—an injury for which a suggestion of extra guards on hand would be useless, for no one could guess the extent of the movement. But the most likely effect of such shock would be the fracture of these locks, in repairing of which much time—months or years—might be required, and thus cause interruption of traffic or the abandonment of the canal.

"The minority suggest that the dam at Gamboa, included in the plan of the board, would be as likely to sustain injury from such convulsion as the structure above mentioned. This is not the fact. The Gamboa dam is built on a solid rock foundation reinforced with strong walls and buttresses at either end. The least likely to be affected by any superimposed on the earth's surface, and no record is found of any similar structure being permanently injured under similar circumstances. The side slopes of the Culebra cuts would be no more likely to be disturbed than the nearly vertical slopes near the divide, that have never been affected.

"An earth dam on an alluvial base, as proposed by the minority, might be fissured if the earthquake passed the locality, and if a crack in the dam or its base should open, the dam would go out, the lock drain, and the canal be ruined."

24 COTTAGES AND R. R. STATION BURNED

(By the Associated Press.)
Monument Beach, Mass., May 17.—Fires swept through the summer cottage settlement here early today. Twenty-four cottages and the New York, New Haven & Hartford Railroad station were destroyed. The loss is estimated at about sixty thousand dollars.

TO ARGUE THE SPAETH CASE.

(By the Associated Press.)
Columbus, Ohio, May 17.—The question as to whether Governor Patton shall honor the requisition of the governor of North Carolina for the return of William T. Spaeth, charged with the robbery of thirty thousand dollars from Forepaugh-Sells Brothers circus at Tarboro, N. C., will be argued before the chief executive at Christ's Hospital, Cincinnati, the latter part of the week.

UNDER MILITARY GUARD

Soldiers Guarding Houses of Employers

Villagers of Coeymans for First Time in Their Lives Had Experience of Being Halted in Streets and Required to Give Account at Bayonet's Point.

(By the Associated Press.)

Coeymans, N. Y., May 17.—This village slept under military guard last night for the first time in its history. The second battalion of the tenth regiment, called out yesterday at the request of Sheriff Pitts of Albany county, is encamped on the bluffs overlooking the brick yards of Sutton and Suddery. It was upon these yards that the striking Italian brickmakers, five hundred strong, yesterday made an armed attack, which resulted in the wounding of three men, one of whom was seriously hurt.

The soldiers are guarding the houses of the employers, and every approach to the scene of the trouble, and the villagers last night had the novel experience of being halted in the streets and required to account for themselves at the point of the bayonet.

The night was uneventful, but trouble was looked for today, when it was the intention to serve a number of warrants upon men charged with participating in yesterday's shooting.

It is evident that the troops must be here two or three days at least. The strikers are in an ugly mood, and the people of the village are fearful of acts of reprisal. After the riot yesterday two parties of Italians tried to purchase ammunition in the village, and upon being refused, threatened violence.

TWO CHICAGO FIRMS YIELD TO TYPOS

(By the Associated Press.)
Chicago, May 17.—The long and costly struggle of the printers to inaugurate the eight-hour work day in the commercial shops of Chicago yesterday was partly rewarded by the capitulation of two large printing houses, one of which is a leading member of the Typothetae Association of employers.

The two firms which yielded to the demands of the Typographical Union are Stromburg, Allen & Company and Walter H. Allen.

Both agreed to operate hereafter on an eight-hour day basis with the same wage scale that prevailed when nine hours work was required. Former employees of the two shops returned to work during the day, taking the places of non-union printers who were discharged. They have been on strike since last November.

THE EPISCOPAL CHURCH CONGRESS.

(By the Associated Press.)
Philadelphia, Pa., May 17.—The church congress composed of Episcopal clergy and laity devoted today to reading and discussion of papers. "Ideal of God," was the topic dwelt upon in papers read by the Rev. Dr. R. A. Holland of St. Louis and the Rev. Dr. R. W. Micon of Alexandria, Va.

Addresses by Bishop Thomas P. Gailor of Memphis and the Rev. Stewart Means of New Haven, Conn., followed the reading of the papers.

BIG COTTON FIRE AT MACON, GA.

(By the Associated Press.)
Macon, Ga., May 17.—Fire today destroyed the cotton compress of the Central of Georgia Railroad together with about 2,000 bales of cotton and fifty loaded freight cars. The loss is estimated at \$125,000.

POWERS TO BE TRIED AGAIN.

(By the Associated Press.)
Cincinnati, O., May 17.—Caleb Powers, now in the New York City jail, was yesterday ordered back to the custody of the Kentucky state courts, following the mandate of the United States supreme court. Powers will next be arraigned for his fourth trial for complicity in the murder of William Goebel.

WIDOWS AND ORPHANS FUND

Cannot be Attached for Claims Against Royal Arcanum

Against Royal Arcanum

IMPORTANT DECISION

Chief Justice Clark Dissents in Noted Case of Brenizer vs. Royal Arcanum From Mecklenburg—Effort to Attach Funds in Hands of D. T. Johnson, Raleigh—Nineteen Opinions.

Opinions were delivered last evening by the supreme court in nineteen appeals. The cast of most general interest was A. G. Brenizer of Charlotte vs. Royal Arcanum involving the question of whether money in the hands of local collectors and treasurers of Royal Arcanum paid in by members "as assessments for 'Widows' and Orphans' Fund" are liable to attachment to satisfy claims in this state against the supreme council. The majority of the court, Associate Justice Connor writing the opinion, hold that this money is not subject to attachment.

Chief Justice Walter Clark files a dissenting opinion, holding that attachments should hold against funds accumulated and in the hands of officials in this state from premiums and assessments, for death loss whose payment is refused or to pay a claim like that of the plaintiff in this case which is in lieu of a death loss, being to recover back assessments paid into the fund by Brenizer by reason of the wrongful cancellation of his policy or breach of contract through the general increase of assessments put in force by the supreme lodge some months ago.

The majority opinion of the court which settles the suit in favor of the Royal Arcanum holds that whether the funds in the hands of the local council collectors and treasurers are treated as property of the corporation immediately upon its receipt by them or as the property of members of the local councils until transmitted is immaterial. If the first it is impressed with an impressed trust, if the second it cannot be attached for a debt of the supreme council Royal Arcanum. Otherwise the result would be disastrous to thousands of widows and orphans.

In the Brenizer suit the plaintiff had levied an attachment upon the funds in the hands of Collector D. T. Johnson and Treasurer H. J. Young, of the Raleigh Council. The decision of the court finds error in permitting the attachment to issue, the effect being that the only remedy open to the plaintiff is by an action in Massachusetts, and against the general funds of the order.

The case arose by reason of the increase in assessments upon members of the order put in effect some months ago by the Supreme Council and created much dissatisfaction. In fact that Wilmington Council was suspended by reason of the protest made against the increase.

It was soon after this that Mr. Brenizer instituted his suit, which was for the recovery of the moneys paid in by him upon his policy or membership, his allegation being that the increase of the assessment was a violation of his contract with the order. It appeared from the answers of Collector Johnson and Treasurer Young of the Raleigh Council, that moneys in their hands were to be devoted exclusively to the Widows' and Orphans' Fund of the order and that they were not a part of the general fund.

CIVIL SERVICE COMMISSIONS OF COUNTRY ORGANIZE.

(By the Associated Press.)
Washington, May 17.—A permanent organization of the civil service commissions of the country was formed as a result of the meeting of representatives of state and municipal civil service commissions with that of the general government. Its object is the promotion of civil service reform throughout the country by supplying information to national, state and municipal civil service commissions. These officers were elected: President, Charles S. Fowler, New York city commission; First Vice President, Dr. J. C. Mason of New York; Second Vice President, Henry Sherwin, and Secretary-Treasurer, John T. Doyle of the United States civil service commission.